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July 12, 1993

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

Re: Ex Parte Presentation: Automatic Vehicle Monitoring Systems: PR Docket No. 93-61

Dear Mr. Caton:

This letter provides notification pursuant to Section 1.1206 of the Commission's Rules that G. Russell Mortenson, Chief Executive Officer of AMTECH Corporation, Richard E. Wiley of Wiley, Rein & Fielding, and I met with Commissioner Ervin S. Duggan and Mr. Randall S. Coleman of his office today. The topics of discussion included background information concerning AMTECH Corporation, issues raised in the Commission's Notice of Proposed Rulemaking in the above-referenced matter, and positions taken in AMTECH's June 29, 1993 comments on the Notice of Proposed Rulemaking. Copies of the attached written material were left behind after the meeting.

An original and two copies of this letter and attachments are being filed with the Commission for inclusion in the record.

Should there be any questions concerning this matter, please communicate with the undersigned.

Very truly yours,

David E. Hilliard

David E. Hilliard
Attorney for AMTECH Corporation

Attachment

cc: Commissioner Ervin S. Duggan
Mr. Randall S. Coleman

AMTECH Corporation

PR Docket No. 93-61 - Automatic Vehicle Monitoring ("AVM")

Founded in 1984 by a group of former Los Alamos National Laboratories scientists, AMTECH is the leading worldwide developer of local-area AVM technology. With headquarters in Dallas and manufacturing facilities in Albuquerque, AMTECH serves the following markets:

- **Traffic Management and Highway Toll** - More than 400 sites worldwide - over 400,000 roadway users; AMTECH toll systems are in operation in Texas, Louisiana, Oklahoma, New York, and Georgia. AMTECH technology will play a key role in the implementation of the Intelligent Vehicle Highway System ("IVHS").

- **Rail** - Standard for North American Railroads - all rail cars to have two tags by January 1995 - now approaching 1,000 reader sites and 1,500,000 tags by the end of 1993 - eventually 2.8 million tags on 1.4 million cars.

- **Intermodal Containers (i.e. ship, rail, truck)** - AMTECH technology is the basis for national and international standards - Applies to over 7,000,000 intermodal containers - Two of the three largest U.S. flag intermodal carriers are tagging their entire fleets worldwide.

- **Trucking and Fleet Management** - AMTECH technology is the basis for the American Trucking Associations' voluntary standard for automatic identification of tractors, trailer, and related equipment.

- **Air Transport** - AMTECH technology is the basis for the International Air Transport Association's voluntary standard for universal load devices (cargo containers) worldwide; AMTECH systems are also used to control vehicular traffic in order to minimize congestion at major airports such as Los Angeles International, JFK and Dallas-Fort Worth.

A Proposal to Impede Technological Progress - The NPRM endeavors to strike a balance between the spectrum needs of wide-area AVM and local-area AVM users. In fact, the NPRM's allocation plan for the 902 - 928 MHz band would segregate the band and cut the amount of spectrum available for AMTECH and other local-area AVM technologies by about 40% as well as set the stage for duopoly wide-area systems. This would impede the deployment of existing technology and constrain the implementation of local-area AVM systems built to the Caltrans specification developed in conjunction with the Lawrence Livermore National Laboratories and mandated by the State of California - an open standard to which many are expected to build systems and which is under active consideration by the DOT for a national IVHS standard.

A Major Spectrum Grab - PacTel Teletrac and METS, Inc., each sought FCC licenses in more than the top 50 major markets and were granted licenses with a five year extended implementation schedule under regulations calling for shared use of the 902 - 928 MHz band. PacTel has built commercial systems in only six markets. METS has not built any commercial systems. Both now seek to have the rules changed to mandate retroactive exclusivity and thereby gain rights to 8 MHz apiece of prime land mobile spectrum without auctions, hearings or lotteries. Granting exclusivity, even on an interim basis, to wide-area systems would seriously impede the implementation of local-area systems and would lead to a duopoly in wide-area systems. Historically shared spectrum should continue to be made available on a shared basis for a multiplicity of uses by those who will operate robust and efficient systems.

A Better Solution: Shared Access - The NPRM wisely seeks alternatives. **A better approach would be to allow the entire band to be shared by local-area and wide-area systems with low height and power limits set for local-area systems.** Such restrictions on local-area operations would minimize the effects on wide-area systems, especially those that claim to be unable to function in the presence of the sort of signals likely in the 902 - 928 MHz band, including emissions from Part 15 devices.

Freeze Not Needed - A freeze on the granting of any new applications in the 904 - 912 and 918 - 926 MHz sub-bands would prejudge the outcome of this rulemaking. A freeze would impair the ability of public agencies to continue with long held plans. Any disincentive to the continued deployment of wide-area systems during the pendency of the rulemaking is the product of the fragility associated with the technologies employed in such systems.

* * *

The Commission should adopt regulations that will encourage the development of robust systems designed to share the 902 - 928 MHz band on an efficient basis. If exclusivity is essential for wide-area systems, the proponents of such technology should be directed to new spectrum being made available that is subject to auction.